

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12849 of Edward J. Lenkin, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against adding to a non-conforming structure devoted to a non-conforming use (Sub-section 7107.1) and from the prohibition against adding to a non-conforming structure which now exceeds the allowable percentage of lot occupancy (Paragraph 7107.21) to construct a third story addition to the premises which will be used as a residence and as an office in an R-5-B District at the premises 901 26th Street, N.W. (Square 16, Lot 810).

HEARING DATE: January 17, 1979
DECISION DATE: February 28, 1979

DISPOSITION: Application Denied by a vote of 4-0 (Theodore F. Mariani, Chloethiel Woodard Smith, William F. McIntosh and Charles R. Norris to deny, Leonard L. McCants not voting, not having heard the case)

FINAL DATE OF ORDER: July 3, 1979

ORDER

Counsel for the applicant filed a timely Motion For Reconsideration and Reargument, or, in the alternative Rehearing of the Board's Order denying the application. The basis for the Motion is that the Board made findings of fact unsupported by the record and erroneous conclusions of law. More particularly, counsel argues that the Board found in finding No. 13 that the property contained unique topographical conditions that supported the variances necessary to grant the application. The Board does not concur with counsel's reasoning. The Board concludes that it has committed no error in deciding the application. It is therefore ORDERED that the Motion is DENIED in its entirety.

VOTE: 3-0 (Charles R. Norris, Leonard L. McCants and William F. McIntosh to deny, Chloethiel Woodard Smith not present, not voting)

DATE OF MEETING: August 8, 1979

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 NOV 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OR PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."